

REMARKS

Claims 1-10 are pending. No new matter has been added by way of the present amendments. For instance, new claim 10 is supported by the subject matter of claims 4 and 6. Accordingly, no new matter has been added.

In view of the following remarks Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues Under 35 U.S.C. §103(a)

The Examiner has rejected claims 1-9 under 35 U.S.C. §103(a) as being obvious over Buell, USP 3,309,363 (hereinafter referred to as Buell '363) in view of Deguchi et al., USP 5,395,742 (hereinafter referred to as Deguchi '742). The Examiner has additionally rejected claims 1-9 under 35 U.S.C. §103(a) as being obvious over Crounse et al., USP 3,193,548 (hereinafter referred to as Crounse '548) in view of Deguchi '742). Applicants respectfully traverse each of the above rejections.

Applicants herein incorporate all arguments previously made.

On November 25, 2002, the Examiner issued an Advisory Action where the Examiner considered the Declaration of November 12, 2002 but did not withdraw the rejection. Concerning the Declaration, the Examiner asserted that the results are "non-conclusive." Applicants

respectfully disagree with the Examiner. In particular, as explained at page 5 of the response filed on November 12, 2002, a review of the Declaration reveals that the compound disclosed by Buell '363 does not dissolve in water after a mixture of the compound in water is stirred for a period of 30 seconds at 40°C. However, the presently claimed compounds are water soluble and thus can be advantageously used in aqueous fluorescent brightening solutions. Due to the lack of solubility in water, the compound of Buell '363 is unexpectedly deficient in this regard. These results are superior and unexpected, thus, the Examiner's rejection is moot. Concerning the rejection of Crounse '548 in view of Deguchi '742, Applicants submit that the Examiner has failed to present a valid *prima facie* case of obviousness as previously argued on the record. However, Applicants, by testing Buell '363 have tested the closest exemplified compounds of the prior art. Accordingly, the unexpected results with respect to Buell '363, the closest prior art, also renders moot the rejection based upon Crounse '548. Reconsideration and withdrawal of this rejection are respectfully requested.

If the Examiner has any questions or comments, please do not hesitate to contact Craig A. McRobbie, Registration No. 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.


Pursuant to 37 C.F.R. § 1.17 and 1.136(a), Applicants respectfully petition a five (5) month extension of time for filing a response in connection with the present application. An extension

of three months (\$920.00) was paid on November 12, 2002. The required fee of \$1,050.00 is attached hereto ( $1,970.00 - 920.00 = 1,050.00$ ).

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.


Respectfully submitted,

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